

NRESTRAINT,

**U.S. District Court
District of Oregon (Eugene (6))
CRIMINAL DOCKET FOR CASE #: 6:23-mj-00085-MK-1**

Case title: USA v. Wise

Date Filed: 05/01/2023

Other court case number: 1:23-mj-00082 District of Columbia

Assigned to: Magistrate Judge
Mustafa T. Kasubhai

Defendant (1)

Jared L. Wise
USM #56925-510

represented by **Kurt David Hermansen**
Oregon Federal Public Defender's Office
859 Willamette Street
Suite 200
Eugene, OR 97401
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:1752(a)(1) – Knowingly
entering or remaining in any
restricted building or grounds
without lawful authority;

Disposition

18:1752(a)(2) – Knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so;

40:5104(e)(2)(D) – Utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

40:5104(e)(2)(G) – Parade, demonstrate, or picket in any of the Capitol Buildings.

Plaintiff

USA

represented by **Jeffrey S. Sweet**
United States Attorney's Office
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Gavin W. Bruce
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TERMINATED: 05/02/2023
Designation: Retained

Email All Attorneys

Date Filed	#	Page	Docket Text
05/02/2023	<u>6</u>		Notice of Withdrawal of Government Attorney: Attorney Gavin W. Bruce withdraws as counsel of record for the United States of America. (Bruce, Gavin) (Entered: 05/02/2023)
05/01/2023	<u>7</u>		Brady Disclosure Order: Pursuant to the Due Process Protections Act, the government is advised of its obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) and its progeny. See attached Order signed on 5/1/2023 by Magistrate Judge Mustafa T. Kasubhai. (jk) (Entered: 05/02/2023)
05/01/2023	<u>5</u>		Order Setting Conditions of Release as to Defendant Jared L. Wise. Signed on 05/01/2023 by Magistrate Judge Mustafa T. Kasubhai. (libr). (Additional attachment(s) added on 5/2/2023: # <u>1</u> Attachment Release order signed by the defendant) (cw). (Entered: 05/01/2023)
			<i>Main Document (Not Attached)</i>
			<i>Attachment # 1 Attachment Release order signed by the defendant</i>
05/01/2023	<u>4</u>		Order Requiring Defendant to Appear in District Where Charges are Pending and Transferring Bail as to Jared L. Wise. (jk) (Entered: 05/01/2023)
05/01/2023	<u>3</u>		Waiver of Rule 5 and 5.1 Hearings by Jared L. Wise. (jk) (Entered: 05/01/2023)
05/01/2023	<u>2</u>		Minutes of Proceedings: Initial Appearance pursuant to Rule 5(c)(3) for Arrest in Our District Offense in Another. Proceedings before Magistrate Judge Mustafa T. Kasubhai as to Jared L. Wise. Order granting the government's oral motion to unseal. Order appointing AFPD Kurt David Hermansen as counsel. Defendant advised of rights and waived reading of the charges. Defendant waived preliminary/identity hearing. Brady Disclosure Order: Pursuant to the Due Process Protections Act, the government is advised of its obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) and its progeny. Defendant is removed to District of Columbia case number 1:23-mj-00082 for appearance on 5/9/2023 at 1:00PM in Courtroom 4 by Zoom before Magistrate Judge Zia M. Faruqui. Counsel Present for Government: Jeffrey Sweet. Counsel Present for Defendant: Kurt Hermansen. Restraint Order: NR. (USPTO Present: Lisa Brown) (FTR – Eugene Courtroom 3) (jk) (Entered: 05/01/2023)
05/01/2023	<u>1</u>		Documents Received From Other Court as to Jared L. Wise from District of Columbia Case No: 1:23-mj-00082. Initial Appearance is set for 5/1/2023 at 01:30PM in Eugene Courtroom 3 before Magistrate Judge Mustafa T. Kasubhai. (Attachments: # <u>1</u> Affidavit in Support of Criminal Complaint, # <u>2</u> Arrest Warrant, # <u>3</u> Order to Seal) (jk) (Entered: 05/01/2023)

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

FILED 01 MAY '23 14:38 USDC-ORE

for the

District of Oregon

United States of America

v.

JARED L. WISE

Defendant

Case No. 6:23-mj-00085-MK

Charging District's Case No. 1:23-mj-00082

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) _____

DISTRICT OF COLUMBIA

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing. *in Oregon*
- ☒ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
- ☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

5/1/2023

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the
District of Oregon

United States of America

v.

JARED L. WISE

Defendant

Case No. 6:23-mj-00085-MK

Charging District: District of Columbia

Charging District's Case No. 1:23-mj-00082

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: 333 Constitution Avenue N.W.
Washington, D.C. 20001

Courtroom No.: Courtroom 4 via Zoom

Date and Time: 5/9/2023 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date:

5/1/23

*Judge's signature*

MUSTAFA T. KASUBHAI, U.S. MAGISTRATE JUDGE

Printed name and title

RECORDING AUDIO OR VIDEO OF ANY COURT PROCEEDING IS STRICTLY PROHIBITED BY
FEDERAL LAW.

Time: This is a recurring meeting Meet anytime

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/1615439875?pwd=M1JnWVV6bjBPTnF3M010SzdtM0NwZz09>

Meeting ID: 161 543 9875

Passcode: 926057

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA
v.

**ORDER SETTING CONDITIONS
OF RELEASE**

Jared Lane Wise

Case Number: 6:23MJ00085-1-MK

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C § 14135a.
- (3) The defendant shall immediately advise the court through Pretrial Services or defense counsel in writing of any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as directed by U.S. District Court.

Additional Conditions of Release

IT IS FURTHER ORDERED that the defendant be released provided that the defendant:

- Report to U.S. Pretrial Services by telephone every Tuesday during business hours of 8-5.
- No travel outside of the continental U.S. without Court approval.
- Neither own, possess, nor control any firearm (or any weapon).
- You are to advise Pretrial Services of any travel outside of your home jurisdiction prior to traveling.
- The defendant is to remain off any/all Capital grounds.
- Surrender any passport or international travel documents to Pretrial Services or submit a statement to Pretrial Services that the defendant does not possess a passport or international travel documents. The defendant is not to apply for a new passport or international travel documents.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, forfeiture of bond, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for no more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for no more than five years, or both;

- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned no more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

BEND, OR 97702

City, State & Zip

Special Needs Finding:

Based upon the above conditions, including the conditions relating to:

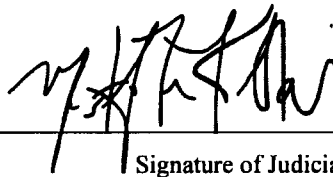
- ☐ Alcohol detection
- ☐ Drug detection
- ☐ Computer monitoring

The Court is reasonably assured the defendant will appear as directed and not pose a danger to the community or any other person.

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The defendant is ORDERED temporarily released.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk, Pretrial Services or judicial officer that the defendant has posted bond and/or complied with all other conditions for release including space availability at a community corrections center or residential treatment facility. If still in custody, the defendant shall be produced before the duty Magistrate Judge on _____ at _____.

Date: May 1, 2023



Signature of Judicial Officer

Mustafa T. Kasubhai

U.S. Magistrate Judge

Name and Title of Judicial Officer

cc: Defendant
US Attorney
US Marshal
Pretrial Services

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

Plaintiff,

Case No.: 6:23-mj-00085-MK-1

v.

BRADY DISCLOSURE ORDER

JARED L. WISE

Defendant.

Under federal law, including Rule 5(f) of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions from the Supreme Court and the Ninth Circuit interpreting *Brady*, the government has a continuing obligation to produce all information or evidence known to the government relating to guilt or punishment that might reasonably be considered favorable to the defendant's case, even if the evidence is not admissible so long as it is reasonably likely to lead to admissible evidence. *See United States v. Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the court orders the government to produce to the defendant in a timely manner all such information or evidence.

Information or evidence may be favorable to a defendant's case if it either may help bolster the defendant's case or impeach a prosecutor's witness or other government evidence. If doubt exists, it should be resolved in favor of the defendant with full disclosure being made.

If the government believes that a required disclosure would compromise witness safety, victim rights, national security, a sensitive law-enforcement technique, or any other substantial government interest, the government may apply to the Court for a modification of the requirements of this Disclosure Order, which may include *in camera* review and/or withholding or subjecting to a protective order all or part of the information.

This Disclosure Order is entered under Rule 5(f) and does not relieve any party in this matter of any other discovery obligation. The consequences for violating either this Disclosure Order or the government's obligations under *Brady* include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the government's obligation to disclose information and evidence to a defendant under *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit precedent. As the Supreme Court noted, "the government violates the Constitution's Due Process Clause 'if it withholds evidence that is favorable to the defense and material to the defendant's guilt or punishment.'" *Turner v. United States*, 137 S. Ct. 1885, 1888 (2017), quoting *Smith v. Cain*, 565 U.S. 73, 75 (2012).

DATED this 1st day of May, 2023

/s/Mustafa T. Kasubhai

Honorable Mustafa T. Kasubhai
United States Magistrate Judge.

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

6:23-mj-00085-MK

v.

JARED L. WISE,

**NOTICE OF WITHDRAWAL OF
GOVERNMENT ATTORNEY**

Defendants.

Please be advised that Gavin W. Bruce, Assistant United States Attorney, withdraws as counsel of record for the United States in the above-captioned case.

Dated: May 2, 2023.

Respectfully submitted,

NATALIE K. WIGHT
United States Attorney

/s/ Gavin W. Bruce
GAVIN W. BRUCE, OSB #113384
Assistant United States Attorney